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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,676	10/13/2005	Jens Otterbach	10191/3724	1465
26646	7590	09/21/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/524,676	OTTERBACH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tung S. Lau	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See office action</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Preliminary Amendment**

1. Preliminary Amendment filed on 02/14/2005 is noted by the examiner.

### **Arrangement of the Specification**

2. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR  
DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A AGREEMENT

(e) INCORPORATION-BY-REFERENCE OF JOINT RESEARCH MATERIAL

SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP  
608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings"  
(37 CFR 1.821(c)), and tables having more than 50 pages of text are  
permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(f) BACKGROUND OF THE INVENTION.

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(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37

CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A

“Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

See (MPEP 608.01(a) [R-3])

### **Priority**

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 371 of PCT/DE03/00561 which papers have been placed of record in the file.

### **Drawings Objection**

4. The drawings are objected to under 37 CFR 1.84 (o)(n) which requires legends on drawings in figures 1 the generic blocks 1, 2, 4, 5, 6, 7, 8, 9, 10, figure 2, generic blocks 11, 12, 13, 14, 15, should be provided with descriptive labels (e.g.

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software protocol, transmitter, frequency hopper, receiver, etc), correction is required.

37 CFR 1.84 (n) Symbols Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable. Since figure 1 the generic blocks 1, 2, 4, 5, 6, 7, 8, 9, 10, figure 2, unit 11, 12, 13, 14, 15, figure 2, generic blocks 11, 12, 13, 14, 15, do not contain conventional elements, the examiner may require descriptive legends for better understand of the drawing.

See MPEP 608.02

37 CFR 1.84 (o) Legends . Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible.

#### **Information Disclosure Statement**

5. Information Disclosure Statement filed on 02/14/2005 is acknowledged by the examiner; A copy of a signed PTO-1449 attached with this office action.

**Joint inventor**

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by frank Grosshauser and Lorenz Pfau (DE 198 50 851, publication date: April 13, 2000).

**Regarding claim 9:**

Grosshauser and Lorenz Pfau disclose a device (fig. 1) for impact sensing (page 2, lines 21-24), comprising: at least one pressure sensor (fig. 1, unit 2) to provide a signal; and a processor (fig. 1, unit 31) connectable to the at least one pressure sensor (fig. 1, unit 2) so that the processor performs the impact sensing as a

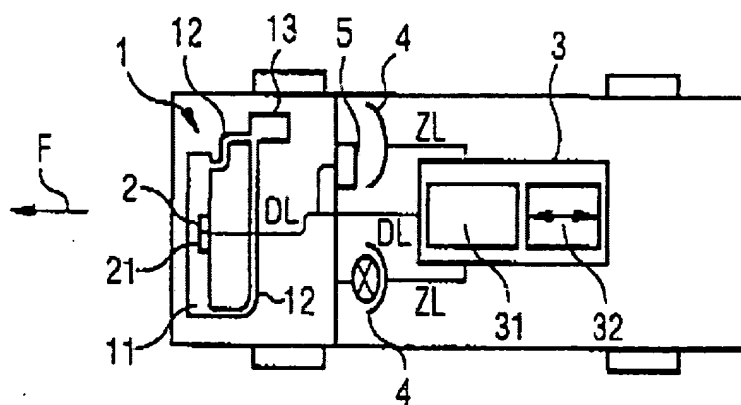
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function of the signal (page 7, lines 9), wherein the signal is preprocessed (page 6-7, lines 23-2) so that the signal is normalized to a predefined pressure (page 8, lines 1-13, fig. 2).

**Regarding claim 10**, Grosshauser and Lorenz Pfau further disclose the signal is normalized to an ambient pressure (page 6, lines 12-22, fig. 2).

**Regarding claim 11**, Grosshauser and Lorenz Pfau further disclose an additional sensor to detect the ambient pressure (page 6, lines 12-22, page 4, lines 14, additional side impact sensor also can be use with sensor in the radiator).

FIG 1

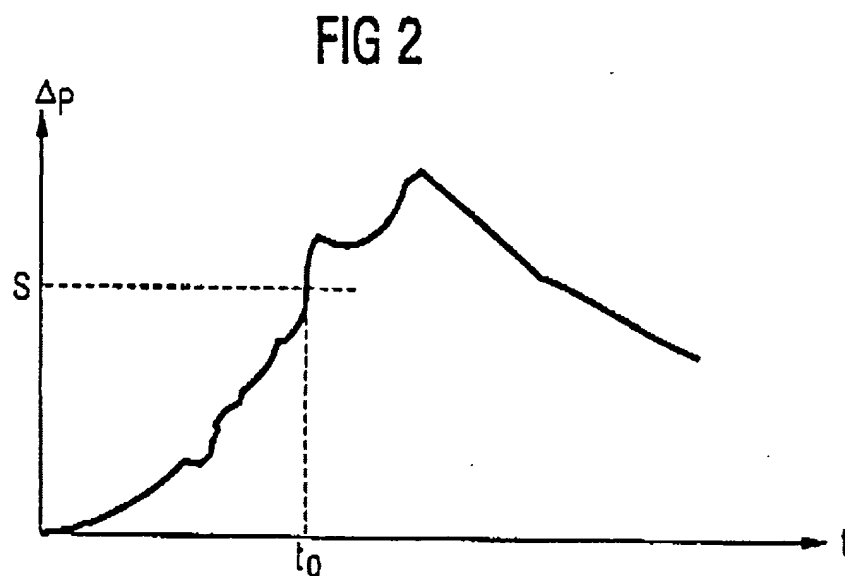


**Regarding claim 12**, Grosshauser and Lorenz Pfau further disclose at least one pressure sensor (fig. 1, unit 2) is arranged in a largely enclosed part (fig. 1, unit 12, mount inside the radiator), and the additional sensor is arranged outside of the largely enclosed part (page 4, lines 14, additional side impact sensor on the door also can be use outside of the radiator).

**Regarding claim 13,** Grosshauser and Lorenz Pfau further disclose a memory to supply the ambient pressure (fig. 1, unit 2, 31, microprocessor has memory to do calculation on fig. 2).

**Regarding claim 14,** Grosshauser and Lorenz Pfau further disclose at least one pressure sensor includes a sensor element (page 6, lines 3-12) configured to emit the normalized signal (page 6, lines 12-22, fig. 2).

**Regarding claim 15,** Grosshauser and Lorenz Pfau further disclose at least one pressure sensor (fig. 1, unit 2) is configured to normalize the signal (page 6, lines 3-22, fig. 2).



**Regarding claim 16,** Grosshauser and Lorenz Pfau further disclose the processor (fig. 1, unit 31) is configured to normalize the signal (page 6, lines 3-22, fig. 2).



### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ISUZU MOTORS LTD (JP 11-326084) discloses A pressure sensor is distributed on the sheet bearing surface of vehicle in the shape of matrix, and its output is preprocessed by a signal preprocessor. An acceleration sensor detects car body oscillating component. The fatigue and degree of awakening of driver are judged based on outputs of pressure and acceleration sensors.

Marcelo Godoy Simoes (A novel competitive learning neural network based acoustic transmission system for oil-well monitoring, IEEE Vol. 36, No. 2, March 2000, page 484-491) discloses an oil extraction column used in deep-sea exploration, uses pressure remote sensor to monitor its function.

### **Contact information**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tung S. Lau

AU 2863, Patent examiner

August 31, 2006